

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMAR JORDAN,

Plaintiff,

v.

E. ANUNCIACION, et al.,

Defendants.

Case No. 1:20-cv-00467-JLT-EPG (PC)

ORDER SETTING SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE PROCEDURES

SETTLEMENT CONFERENCE: 10/31/2023
AT 10:30 A.M. VIA ZOOM
VIDEOCONFERENCE

Plaintiff Lamar Jordan is a state prisoner proceeding with counsel appointed for the limited purpose of assisting Plaintiff in participating in a settlement conference in this civil rights action filed pursuant to 42 U.S.C. § 1983. (ECF No. 91). Due to the recent appointment of counsel for Plaintiff, the settlement conference was vacated, to be reset for a date convenient for all parties. Having now determined a date to reset the settlement conference, IT IS ORDERED as follows:

1. A settlement conference is set for **October 31, 2023, at 10:30 a.m.**, before Magistrate Judge Sheila K. Oberto, via Zoom videoconference. Defense counsel, in conjunction with Plaintiff's attorney, shall arrange for Plaintiff's participation. Prior to the conference, both sides shall contact Magistrate Judge Oberto's courtroom deputy at wkusamura@caed.uscourts.gov for the Zoom videoconference connection information. The Court will issue a writ of *habeas corpus ad testificandum* to allow

- 1 for Plaintiff's participation, as appropriate.
- 2 2. Each party or a representative with full authority to negotiate and enter into a binding
- 3 settlement agreement shall participate in the conference. The failure of any counsel,
- 4 party, or authorized person subject to this order to participate in the conference may
- 5 result in the imposition of sanctions.
- 6 3. Consideration of settlement is a serious matter that requires thorough preparation prior
- 7 to the settlement conference. Participants in the conference must be prepared to
- 8 discuss the claims, defenses, and damages.
- 9 4. The parties shall submit confidential settlement conference statements no later than
- 10 **October 17, 2023**. Settlement statements shall be emailed to
- 11 SKOorders@caed.uscourts.gov. Once the parties have submitted their statements, they
- 12 shall file a "Notice of Submission of Confidential Settlement Conference Statement"
- 13 with the Court. The confidential settlement conference statements themselves **should**
- 14 **not be filed** with the Court **nor served** on the opposing party.
- 15 5. The confidential settlement conference statements should be no longer than 5 pages in
- 16 length and include:
- 17 a. A brief summary of the facts of the case;
- 18 b. A brief summary of the claims and defenses of the case, *i.e.*, the statutory,
- 19 constitutional, or other grounds upon which the claims are founded;
- 20 c. A forthright discussion of the strengths and weaknesses of the case and an
- 21 evaluation of the likelihood of prevailing on the claims or defenses, from the
- 22 party's perspective, and a description of the major issues in dispute;
- 23 d. An estimate of the party's expected costs and time to be expended for further
- 24 discovery, pretrial matters, and trial;
- 25 e. A summary of past settlement discussions and a statement of the party's
- 26 current position on settlement, including the amount the party would offer and
- 27 accept to settle (in specific dollar amounts); and a statement of the party's
- 28 expectations for settlement discussions;
- f. An estimate of any restitution allocated to Plaintiff, or other financial

obligation assigned to Plaintiff, that would affect the parties' settlement discussions;

g. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles; and,

h. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

6. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at Ironwood State Prison via facsimile at (760) 921-4307 or via email.

IT IS SO ORDERED.

Dated: July 13, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE